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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Luxembourg

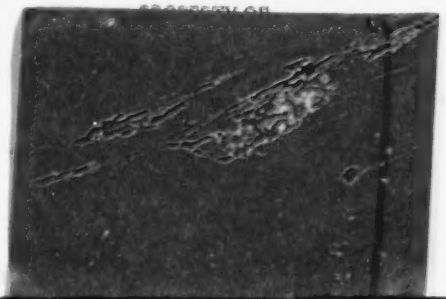
1. The Committee considered the ninth periodic report of Luxembourg (CERD/C/277/Add.2), at its 1193rd and 1194th meetings (CERD/C/SR.1193 and 1194), held on 7 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the Government of Luxembourg, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report, although the Committee notes that the form of the report does not follow the revised guidelines. The Committee notes with appreciation that the State party, in the preparation of the ninth periodic report, has taken into account the Committee's concluding observations with respect to the previous report (A/49/18, paras. 429-443). The Committee also expresses its appreciation of the constructive dialogue with the delegation and the comprehensive and thorough answers given to the range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Luxembourg.



C. Positive aspects

4. The high standards of Luxembourg regarding the promotion and protection of human rights and its commitment to implementing the provisions of the Convention are noted with appreciation, especially taking into account the very high proportion of foreign residents (over 35 per cent) in the country. The fact that Luxembourg has made a declaration under article 14 of the Convention and is the first State party to implement paragraph 2 of article 14 by establishing a standing committee against discrimination in May 1996 is also welcomed.

5. The additional steps recently undertaken by the authorities of Luxembourg to bring its legislation and practice into line with the Convention's requirements are welcomed. In addition to the Aliens Act promulgated on 27 July 1993, the current efforts being undertaken by the Government to amend the Penal Code are welcomed.

6. The Committee noted with satisfaction that the Government collaborates with non-governmental organizations to facilitate the integration of aliens and to prevent and combat all types of racial discrimination. In this regard, note is taken of the 1993 working agreement between the Government and the Liaison Committee for Aliens' Associations.

7. Satisfaction is expressed in relation to efforts undertaken by Luxembourg to raise awareness and to promote action against all forms of racial discrimination. Training of the police on human rights issues is also welcomed. School and adult education policies implemented by the State party to reflect a plurinational and multilingual population are a source of satisfaction. The radio broadcasting of programmes in various foreign languages is also welcomed as a positive trend.

8. The Act of 27 July 1993, which, inter alia, provides special measures to promote and protect the right to housing of foreign workers, is welcomed in the light of article 5 of the Convention.

9. The Committee welcomes the activities undertaken and planned in Luxembourg on the occasion of the European Year against Racism (1997).

D. Principal subjects of concern

10. It is noted with regret that racist and xenophobic acts and incidents occurred in Luxembourg during 1994.

11. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Luxembourg and to strengthen the implementation of article 4 of the Convention, it is noted that racist organizations are not yet prohibited by law.

12. Although the Committee is aware of the positive efforts undertaken by the State party in the field of education against racial discrimination, concern is expressed about the absence or insufficiency of such educational measures for some professional groups, such as judges, magistrates, lawyers and civil servants.

E. Suggestions and recommendations

13. In the light of article 4, paragraph (b), of the Convention and of the current process of amending the Penal Code of Luxembourg, the Committee recommends that the Government amend article 455 of the Penal Code to bring it fully into line with the requirements of the Convention.

14. With respect to articles 4 and 6 of the Convention, the Committee would appreciate receiving further information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons suffering from such discrimination.

15. The Committee recommends the amendment of article 444 of the Penal Code with a view to introducing stronger penalties for acts of slander and/or defamation of a racial character.

16. It is further suggested that the State party consider providing education and training on racial tolerance and human rights issues to professional groups such as judges, magistrates, lawyers and civil servants.

17. During the current review by the authorities of Luxembourg of national legislation relating to freedom of the press and information, the Committee recommends that the State party take appropriate measures to ensure that all of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are taken into account.

18. The Committee recommends that the State party give publicity in the country to its ninth periodic report, as well as to the Committee's concluding observations thereon.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

20. The Committee recommends that the State party's next periodic report, due on 1 June 1997, be an updating report and that it address all the points raised during the consideration of the report.

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